
By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Natural Resources)

Introduced and read first time: January 23, 2003

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Roadside Trees - Permit Requirements**

3 FOR the purpose of establishing certain additional requirements for obtaining a
4 permit for cutting down or trimming roadside trees; and generally relating to
5 the cutting down and trimming of roadside trees.

6 BY repealing and reenacting, with amendments,
7 Article - Natural Resources
8 Section 5-406
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2002 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Natural Resources**

14 5-406.

15 (a) Any person who desires to cut down or trim any roadside tree shall apply
16 to the Department for a permit, except that:

17 (1) if a tree is unrooted or its branches broken so as to contact telephone,
18 telegraph, electric power, or other wires carrying electric current, or if the tree or its
19 branches endanger persons or property, the tree or its branches may be removed
20 without first obtaining a permit from the Department; and

21 (2) a tree standing within the right-of-way of a public road which has
22 not been surfaced with either stone, shell, gravel, concrete, brick, asphalt, or other
23 improved surface may be cut down and removed by the abutting landowner for his
24 own use without first obtaining a permit.

1 (b) A person may not cut down, trim, mutilate, or in any manner injure any
2 roadside tree, except as authorized by this section, without a permit from the
3 Department.

4 (C) TO OBTAIN A PERMIT UNDER THIS SECTION, A PERSON SHALL
5 DEMONSTRATE THAT THE PROPOSED TREE CARE WILL:

6 (1) ELIMINATE A HAZARD TO PROPERTY, PUBLIC SAFETY, OR PUBLIC
7 HEALTH;

8 (2) IMPROVE OR PREVENT A DETERIORATED TREE CONDITION; OR

9 (3) IMPROVE THE GENERAL AESTHETIC APPEARANCE OF THE
10 RIGHT-OF-WAY.

11 (D) THE REQUIREMENTS OF THIS SECTION SHALL APPLY WHETHER THE
12 ROADSIDE TREE IS LOCATED ON PUBLIC OR PRIVATE PROPERTY.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2003.